

ENTERED

May 02, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TRAHEEM THAMES,
SPN #02806855,

Plaintiff,

v.

HARRIS COUNTY SHERIFF
ED GONZALES,

Defendant.

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CIVIL ACTION NO. H-17-3100

APPEAL NO. 18-20200

**ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS**

Harris County Jail inmate Traheem Thames filed a Prisoner's Civil Rights Complaint under 42 U.S.C. § 1983 ("Complaint") (Docket Entry No. 1), asking this court to intervene and dismiss "with prejudice" criminal charges pending against him in state court. On October 27, 2017, the court dismissed the Complaint without prejudice under the abstention doctrine outlined in Younger v. Harris, 91 S. Ct. 746 (1971). On March 5, 2018, the court denied a motion for relief from the final judgment that was filed by Thames pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On March 30, 2018, Thames filed a Notice of Appeal (Docket Entry No. 14). Thames now seeks leave to proceed on appeal without prepayment of the filing fee (Docket Entry No. 18).

The court has reviewed the Notice of Appeal along with the rest of the submissions in this case and finds that Thames has not

articulated any non-frivolous basis for an appeal. The court certifies, therefore, that the appeal is not taken in good faith for purposes of Rule 24(a)(3) of the Federal Rules of Appellate Procedure. For this reason, Thames is not entitled to proceed in forma pauperis in an appeal of this case. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in in forma pauperis if the trial court certifies in writing that it is not taken in good faith.").

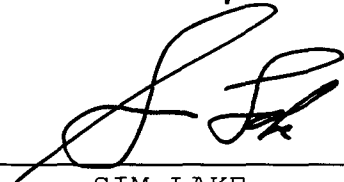
Accordingly, the court **ORDERS** as follows:

1. The application for leave to proceed in forma pauperis filed by Traheem Thames (SPN #02806855) (Docket Entry No. 18) is **DENIED**.
2. Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Rule 24(a)(3), the appellant may challenge this finding pursuant to Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997), by filing a separate application or motion to proceed in forma pauperis on appeal with the United States Court of Appeals for the Fifth Circuit within thirty days of this order.
3. If the appellant moves to proceed on appeal in forma pauperis, the court would not assess an initial partial filing fee because his application

and supporting documentation show he lacks the requisite funds, but the agency having custody of the appellant would be authorized to collect the full amount of the appellate filing fee (\$505.00), from the appellant's inmate trust account or institutional equivalent, when funds are available, and forward it to the Clerk of the District Court.

The Clerk of Court shall provide a copy of this Order to the plaintiff.

SIGNED at Houston, Texas, on this 22 day of May, 2018.



SIM LAKE
UNITED STATES DISTRICT JUDGE